

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILBERT INGRAM IV,

Plaintiff,

-against-

ANDREW CUOMO, *et al.*,

Defendants.

22-cv-5067 (ER)

ORDER

RAMOS, D.J.:

Plaintiff Wilbert Ingram IV, who appears *pro se*, initially mistakenly brought this action as a miscellaneous case, for which he paid a \$49 filing fee. Doc. 1; *see also* Case No. 22-mc-0147. To allow Ingram to cure that filing deficiency, the Court directed the Clerk of Court to administratively close Ingram's miscellaneous action and reopen the case as a new civil action assigned to the undersigned on June 16, 2022. *Id.*

Thereafter on June 22, 2022, the Court instructed the Clerk of Court to refund Ingram the \$49 filing fee he had paid in the miscellaneous action, Case No. 22-mc-0147, and to mail a copy of the order to Ingram. Doc. 4 at 2. The Court also directed Plaintiff, within 30 days of the date of the order, to pay a total of \$402 in fees in connection with his civil action, or to complete, sign, and submit an application to proceed *in forma pauperis* ("IFP"), which the Court attached to the order. *See id.* The Court noted that if Plaintiff failed to comply with that directive, the new civil action would be dismissed. *Id.*

Plaintiff did not pay the civil filing fee or request authorization to proceed without the payment of applicable fees. Doc. 5. Accordingly, in an order dated August 23, 2022, the Court dismissed the case. *Id.* The Court directed the Clerk of Court to mail a copy of the order to Ingram and to close the case. *Id.*

On February 3, 2023, more than five months after the Clerk of Court entered the order dismissing Ingram's civil action, the Court received a series of filings from Ingram. Doc. 6; Doc. 7; Doc. 8; Doc. 9. They include a "Motion for Waiver of all Filing Fees," Doc. 6, a corresponding affidavit, Doc. 7, a "Certification of Admission & Good Standing," Doc. 8, and a "Verification of Non-Citizenship," Doc. 9.

To the extent that Plaintiff submits these documents to proceed IFP, the Court denies that request because it is untimely, and this action has been closed for more than five months. Importantly, the Court provided Ingram with an opportunity to submit an application to proceed IFP, and Ingram failed to do so. Accordingly, the Court will not consider Ingram's recent submissions.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail this order to Ingram's last-known address:

P.O. Box 160
400 Jay Street
Brooklyn, New York 11201

SO ORDERED.

Dated: February 7, 2023
New York, New York



Edgardo Ramos, U.S.D.J.